

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

April 16, 2001

46-2851

Ellen P. Goodman
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401

RE: Fee Waiver Request, OnSat Network Communications, Inc.

Dear Ms. Goodman:

This is in response to your letter dated August 24, 2000 that submitted a fee of \$13,470 for a lead application, and requested a waiver of the fee currently applicable to remote earth stations. Specifically, you requested that the Commission waive the applicable fee for the anticipated 700 remote earth stations.

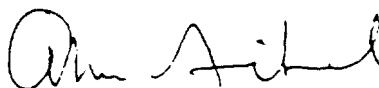
The Commission has discretion to "waive . . . payment of charges in any specific instance for good cause shown, where such action would promote the public interest." 47 U.S.C. §158(d)(2). We construe this waiver authority narrowly, and limit its application to only those situations where the applicant has made the requisite showing of good cause and demonstrated that the action would promote the public interest. We have considered the reasons set forth in support of your request and conclude that the request will be granted in support of the lead application submitted by OnSat Network Communications, Inc. Specifically, you note that the service involved entails a novel use of 3.7 meter and 4.5 meter dishes in C-Band spectrum, using technically identical remote earth stations to provide interactive and high speed broadband service to under-served populations in rural America and that the technical characteristics of the service are similar to a Ku-Band VSAT system. You further state that a fee waiver is consistent with the International Bureau's plan to process the remote site applications as modifications to the lead application, which will make the approval process faster and more efficient. Finally, you state that a reduction in fees could be very significant (700 remotes could otherwise cost over \$1.3 million in application fees).

We grant your request for a fee waiver in the following manner. The fee you submitted, \$13,470, is accepted as a lead application fee. Your lead application for the OnSat network identifies the hub station, satellite, and a single remote earth station. Subject to an additional payment for each, you may submit as many as 700 modifications to your lead earth station license. For each additional remote earth station, the Commission waives the amount of the application fee for a new fixed earth station that is greater than the fee for a modification of an existing earth station license. At present, that fee is \$145.

Ellen P. Goodman

If you have any questions concerning this letter, please call the Revenue and Receivable Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew S. Fishel". The signature is fluid and cursive, with the first name "Andrew" and last name "Fishel" clearly distinguishable.

Andrew S. Fishel
Managing Director



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Tom Putnam, OMD
Mark Reger, CFO
Andrew S. Fishel, MD

FROM: Paul K. Cascio, OGC

SUBJECT: Request for Waiver of Application Fees, OnSat Network Communications, Inc.

DATE: March 16, 2001

Ellen P. Goodman, from Covington & Burling, counsel for OnSat Network Communications, Inc. (OnSat), requested that the Commission waive a portion of its application fees related to a "limited scale, interactive and highspeed broadband service," delivered by satellite, to small aperture earth stations, primarily located in rural areas of the United States. As is described below, OnSat tendered \$13,470, an amount equal to the each of the current fees that would be due for the analogous services. OnSat requests a waiver of individual application fees (\$1,950 per application) associated the remote earth stations (also described as individual transmit and receive (bi-directional) stations), and instead permit it to file separate modifications with a smaller fee of \$145 per modification. The total number of modifications will not exceed 700.

Background

The request (enclosure) describes the communications system as a network of multiple dish antennas¹ that will transmit and receive information in the 5925-6425 MHz/3700-4200MHz (C-Band) frequencies. Although OnSat describes the system as applying C-Band satellite earth stations using Very Small Aperture Terminal (VSAT) technology,² the OnSat system differs from a VSAT system in the technological application. In that regard, the Commission defines

¹ Ms. Goodman states that OnSat has been working with rural schools and businesses to expand the network through the use of bi-directional C-Band 3.7 meter and 4.5 meter dishes "using a hub and spoke architecture that is the functional equivalent of a Ku-band VSAT system." OnSat anticipates it will field approximately 700 C-Band bi-directional sites.

² The very small (VS) aspect of a Ku-band VSAT system refers to a dish antenna that is typically in the 3 to 6 foot diameter. Typically, the system includes a mounted remote antenna that transmits and receives satellite signals to a hub station that processes the information and interconnects the remote terminals.

the VSAT system as a network of technically identical small antennas that generally communicate with a larger hub earth station operating in the 12/14GHz (Ku-band) frequencies.³ The OnSat system plans to use 4.5 meter and 3.7 meter diameter antennas (which are smaller than those routinely licensed under existing rules)⁴ to transmit and receive in the C-Band. Additionally, and different from use of the Ku-band by satellite licensees exclusively on a primary basis, OnSat will use the C-Band, which is shared on a co-primary basis with terrestrial fixed users and will require frequency coordination.⁵ The OnSat system thus presents a novel application of existing components, but for which there is no existing approved fee to the resulting synergistic combination of components.

Three conclusions may result from the situation where there is no prescribed fee in the schedule enacted by Congress, but where the FCC has limited modification authority.⁶ First, we could decline to accept an application for or permit the license of a synergistic system for which no fee exists. This is similar to deciding that the Commission should not accept applications based on a use or technology that out-paces the fee schedule. In the alternative, because no specific fee is identified, the Bureau would review and decide the license *without requiring any fee*.⁷ Neither result meets the intent of the Communications Act of 1934 that requires a fee for the services furnished by the Commission. Finally, the third conclusion is to apply a combination of fees from the components of existing services, and, if the facts so warrant, grant some relief in the form of a waiver. Accepting this combination approach, OnSat requests that the Commission waive fees greater than \$13,470. Proffered as an aid to resolving the waiver, OnSat points to a similarly novel situation in which the Commission applied a streamlined licensing process to “bi-directional C-Band earth stations in . . . the equatorial service.” OnSat’s request asks the Commission to apply the amount submitted for its lead application and “follow-on remotes as well.”

Overview of OnSat’s Request

Subject to modification, each component element of the OnSat system application is subject to an existing application fee. Adding those components together, the resulting initial computation forms a basis to develop an appropriate fee for the entire system, and to evaluate the

³ See Report and Order, *In re Streamlining the Commission’s Rules and Regulations for Satellite Application and Licensing Procedures*, IB Docket No. 95-117, released Dec 16, 1996, para 26.

⁴ 47 CFR §25.212(d). (“In the 6GHz band, an earth station with an equivalent diameter of 4.5 meters or greater may be routinely licenses for transmission of SCPC services”)

⁵ 47 CFR 25.203.

⁶ Congress authorized the Commission to adjust the fees based on changes in the Consumer Price Index (47 U.S.C. §158(b)(1)) and to waive or defer payment “in any specific instance for good cause shown, where such action would promote the public interest.” §158(d)(2). Cf. *In re Partial Waiver of Application Fees Relating to the Transfer of Control of Specialized Mobile Radio Licenses of Nextel Communications, Inc.*, 15 FCC Rcd 3126, Feb 8, 2000.

⁷ The general requirements for filing applications and fees state that the “applications for satellite radio station authorizations governed by [Part 25] and requiring a fee shall be mailed . . .” [emphasis added] (§25.110(b)) and “each application shall be accompanied by the appropriate fee, specified by, and submitted in accordance with, subpart G of Part 1 . . .” [emphasis added] (§25.110(f)). Absent a specific fee in subpart G of part 1, one may argue the application may and should be considered without an accompanying fee, as none is required. We believe such an argument is contrary to congressional intent evident in the fee schedule and the nature of the limitations imposed for a waiver of an established fee. Moreover, as some form of the fee schedule applies to the individual component elements of the system, some fee is plainly appropriate.

request that the Commission waives select amounts. As applied to the OnSat system proposal, the VSAT system application fee is \$7,200 (47 CFR 1.1107.6); the application fee for a fixed transmit and receive system is \$4,320 (47 CFR 1.1107.4) (the "Equatorial" system); and the fee for individual transmit and receive (bi-directional) stations is \$1,950 (47 CFR 1.1107.3). Adding these components results in a \$13,470 lead application fee for a proposal including similar components. The match, however, is not exact because the characteristics of the OnSat system differ from those of the VSAT system, and OnSat's bi-directional stations are, for the most part, technically identical. If OnSat were required to apply the existing transmit/receive fee structure to its system, the total of the fees for the proposed bi-directional stations would be a fee of approximately \$1.4 million.⁸ This results from OnSat's anticipated utilization of 700 bi-directional antennas, of which 90% (or 630 sites) will use the 3.7 meter antenna, and the remaining 10% (or 70 sites) will use the 4.5 meter dish antenna. Since its antennas will be virtually identical, OnSat requests a waiver of the difference between \$13,470 and the total estimated at \$1.4 million. The waived amount represents the repetitive fee for each of the technically identical 700 earth stations.

Basis for Waiver

OnSat's waiver is grounded on three elements: First, the sum of application fees is disproportionately high when compared to the application fees required of the VSAT system and in contrast to the Equatorial service. Second, consolidation and waiver of individual fees will improve processing effort and time. And, third, the public interest is served by the waiver.

The Communications Act of 1934, as amended, and Commission rules provide that application fees may be waived and/or deferred where good cause is shown and where such action would promote the public interest.⁹ The schedule of statutory charges establishes a uniform fee for work provided on certain regulatory services, such as those associated with the filing of satellite applications.¹⁰ The charges represent a "rough approximation of the Commission's actual cost" in order to "reimburse the government – and the general public – for the regulatory services provided." The Commission infrequently grants waiver requests, but it has in the past when the circumstances presented were extraordinary, and that the consequences of the required fees on the number of applications resulted in a compelling basis for relief. In a specific situation, the public may be better served by the Commission waiving the fees than by its rigid imposition of the full amount.

We interpret OnSat's assertion that the decision by the Commission to apply streamlined licensing procedures to the so-called Equatorial service¹¹ together with similarities of its system with that of the VSAT system form a basis for granting partial relief from a total derived from

⁸ Assuming the accuracy of OnSat's estimate that it will operate 700 bi-directional antennas, the sum of the individual fees (\$1,950/station) would be \$1,356,000.

⁹ 47 U.S.C. § 158(d)(2); 47 C.F.R. § 1.1117.

¹⁰ *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 2 F.C.C. Rcd (1987) ("Fee Collection Order"), clarified on recon., 3 F.C.C. Rcd. 5987 (1988); Consolidated Omnibus budget Reconciliation Act of 1985, Pub. L. No. 99-272, § 5002(e), (f), 100 Stat. 82, 118-21 (1986).

¹¹ *In re Equatorial Communication Services Request for Permission to Operate a Limited Number of Earth Terminal Antennas*, File No. 663-DSE-ML-87, Order (rel. Jul 10, 1987).

the component fees. In part, OnSat submits that its system similarity with the VSAT system presents a sufficient factual basis for the Commission to conclude the VSAT fee reasoning should apply. Moreover, and consistent with the Commission's treatment of the Equatorial system, OnSat presents its application in the form of a major system requiring a lead application instead of 700 applications for separate bi-directional antennas and the critical component architecture. Furthermore, in OnSat's opinion, a piecemeal application process would become a daunting administrative exercise with a prohibitively high cost fee based on individual fees for each bi-directional antenna. OnSat suggests it would pass that cost on to the ultimate users, schools,¹² which "cannot absorb the added costs." Finally, OnSat argues that a streamlined application process best serves the public interest.

Recommendation

We agree that OnSat's system presents an unusual and novel issue concerning the exact fee for the application. The lack of a fee in an amount conforming to the nature of the license request may result in one of three extraordinary consequences: (a) that the application cannot be made; (b) no fee is due, and the application is processed without charge; or (c) a fee is developed from comparative procedures. We believe that the combination of factors presents a compelling reason to grant a waiver of the fees greater than the amount furnished. If, as OnSat anticipates, it will develop and deploy approximately 700 bi-directional antennas, requiring the existing application fee amount would be disproportionate to comparable efforts under a VSAT arrangement. The OnSat proposal differs from the request by Nextel Communications, Inc., to waive application fees in connection with its transfer of control of specialized mobile radio licenses.¹³ OnSat's situation is different from Nextel and unique to the Commission, because no readily determined fee applies to the proposed system.¹⁴ Secondly, but presenting a compelling argument, are the conclusions that may be drawn from the consequences of higher fees to the end users and alternatives to a fee based on the components of the three fees.¹⁵ We believe that OnSat has demonstrated in this case that the public interest is better served with the waiver of the individual fees for each bi-directional antenna that is part of the lead filing, but not as to the subsequent applications. As the Commission noted, "we must pursue a statutory change in order to create a comparable fee structure for CSATs. We propose charging applicants for CSAT service a set fee for an initial, lead application, and charging an additional fee for coordination notification for each additional earth station."¹⁶ Until that is resolved, we submit that the initial payment should be accepted -- with the fee tendered -- as a lead application, and that the Managing Director should thereby grant the waiver request. Specifically, we recommend a waiver using the following language:

¹² OnSat suggests it would pass the costs of nearly \$2,000 for each remote antenna to customers, which "cannot absorb the added costs." The resulting total fees for the 700 antennas seems to be a heavy burden, but OnSat did not discuss anyone's ability to reduce the impact by amortizing the cost over several years.

¹³ See *fn 7, supra*. Nextel argued that the \$45 application fee per call sign imposed on the transaction involving approximately 5,800 applications for transfer exceeded the Commission's processing costs.

¹⁴ See NPRM, *In re FWCC Request for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed-Satellite Service that Share Terrestrial Spectrum*, 2000 WL 1576859 (F.C.C.), rel. Oct 24, 2000, ¶¶ 90-91.

¹⁵ Consideration of the result we discussed in the Background material along with the total fee that may be transferred to the end user is a matter that relates to the overall nature of the compelling argument. We do not, however, suggest that financial hardship to the end user is a basis for relief.

¹⁶ 2000 WL 1576859 at ¶ 91.

We grant your request for a fee waiver in the following manner. The fee you submitted, \$13,470, is accepted as a lead application fee. Your lead application for the OnSat network identifies the hub station, satellite, and a single remote earth station. Subject to an additional payment for each, you may submit as many as 700 modifications to your lead earth station license. For each additional remote earth station, the Commission waives the amount of the application fee for a new fixed earth station that is greater than the fee for a modification of an existing earth station license. At present, that fee is \$145.

IB concurs with this recommendation.

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August 24, 2000

VIA HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street S.W.
Room TW-A325
Washington D.C. 20554

RECEIVED

AUG 24 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Fee Waiver Request
ATTN: Office of the Managing Director

Dear Ms. Salas:

OnSat Network Communications, Inc. ("OnSat"), hereby seeks a waiver of a portion of the Commission's application fees under Section 1.1117(c)-(e) of the Commission's rules for good cause and in furtherance of the public interest.

Background. OnSat seeks to provide, and is providing on a limited scale, interactive and high speed broadband service to under-served populations in rural America. OnSat is working with rural schools and businesses to expand its network through the use of bi-directional C-Band 3.7 meter and 4.5 meter dishes using a hub and spoke architecture that is the functional equivalent of a Ku-band VSAT system. C-Band offers an opportunity to offer broadband data services less expensively (because of the satellite capacity and the ready availability of second-hand C-Band dishes) and more reliably (because of superior performance in areas with severe rain-fade problems). OnSat is currently providing broadband services to rural schools in Wyoming and to communities in the Northwest Territories of Canada, and rural Honduras. For many of the communities and schools it serves, OnSat is providing the first communications link ever installed. These customers are now able to download material at 6 mbps and upload at 128 kbps. Attached at Exhibit B is a photograph of one such customer who is conveying a computer by donkey to a Honduran "Solar Net" village for which OnSat is providing the broadband connectivity.

To make a wider-scale roll-out of its services possible, OnSat submitted a petition to the Commission in September 1999, seeking a declaratory ruling that entities desiring to implement a C-Band network using VSAT architecture were eligible for a streamlined licensing procedure,

Ms. Salas
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such that they could file a lead application to be followed by notification of subsequent remote antennae that conformed to the technical specifications of the lead application and that have been coordinated.¹ The public interest rationales for the request were that application of existing streamlined licensing procedures would speed broadband service to the public, would allow the provision of the service more economically, and would rationalize an application process that treated two equivalent services very differently without cause. The petition was initially opposed by the Fixed Wireless Communications Coalition (the "FWCC"), but in March 2000, the FWCC withdrew its opposition when OnSat agreed to revise its proposal such that the streamlined licensing process would be reserved for applications for C-Band facilities that use only a limited portion of the band and arc.

In light of the facts that its petition was now unopposed and the Chairman was interested in fostering the provision of interactive broadband service to rural areas easily reached by satellite, the International Bureau staff worked constructively with OnSat to help identify procedures that would result in the streamlined processing of earth station applications by Spring 2000. While its petition was pending (it apparently will remain so until a notice of proposed rulemaking on comprehensive changes to satellite earth station licensing procedures is released), OnSat was encouraged to file a lead Form 312 application as soon as possible. Because OnSat intends to use both 3.7 meter and 4.5 meter antennae, it was proposed that OnSat file a separate lead application for each type of dish.

The Commission had, in the 1980's, applied a streamlined licensing process to bi-directional C-Band earth stations in what is commonly called the equatorial service.² In that case, it required a fee with the initial application and then required only a nominal fee for the follow-on remotes, dozens of which might be notified in a single filing. The International Bureau staff proposed to treat OnSat and like applicants in a substantially similar way. However, since OnSat's service differs technically from the equatorial service and was not eligible for the equatorial fee category of \$4,320 for a lead application and \$45 for each follow-on remote station, the staff proposed an alternative procedure under the rules. Specifically, they proposed that OnSat file with its lead application a fee of \$13,470. This fee, which, in addition to license modification fees, would cover the follow-on remotes as well. The fee was selected to reflect a composite of the equatorial service lead application fee, a Ku-Band and a receive-only C-Band earth station application fee.

¹ OnSat Petition for Declaratory Order, Waiver and Request for Expedited Action, File No. SAT-PDR-19990910-00091, Public Notice, Report No. SAT-00026 (rel. Sept. 23, 1999).

² See, e.g., *In re Equatorial Communication Services Request for Permission to Operate a Limited Number of Earth Terminal Antennas*, File No. 663-DSE-ML-87, Order (rel. July 10, 1987).

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OnSat filed its lead Form 312 application and Schedule B for 3.7 meter dishes on July 25, 2000 (Call Sign E000369; File No. SES-LIC-20000801-01226) along with a check for \$13,470. The actual application covers only one remote at Red Mesa, Arizona, and would ordinarily have required only a fee of \$1,950. However, as amended, the application lays out the architecture, identifies the hub, and estimates a total number of remotes that might be used in the future. See Attachment A. This fee waiver request was not filed with the application because there was still uncertainty as to what the process for filing follow-on remotes would be and whether a fee waiver request would be necessary.

Waiver Request. OnSat hopes, with the regulatory relief it seeks and the fulfillment of reasonable business objectives, to roll out C-Band bi-directional service to approximately 700 sites under the FCC's jurisdiction. At least 90% of these sites will be in the continental U.S. and will use 3.7 meter dishes. The remainder will likely use 4.5 meter dishes and would be covered by another lead application accompanied by another \$13,470. Because all of these remote stations will be technically identical to the station identified in the lead application, will be coordinated, and will be designed to satisfy the technical concerns of the C-Band terrestrial users, authorization of these remote stations will not tax Commission resources. The fees filed with each modification to the lead application, in conjunction with the lead application filing fee, fairly reflect the administrative burdens associated with the stations.³

Grant of this fee waiver request may make the difference between the ability of companies like OnSat to roll out broadband bi-directional satellite networks to rural areas quickly and cost-effectively, or not. If OnSat were to roll out such a service in the Ku-Band, it would pay less than is contemplated here, yet there would be almost no difference in the Commission's administrative burden or in the impact of the sites in the field. Without a fee waiver, OnSat might well have to pay almost \$2000 for each remote site, thereby significantly increasing its costs in providing broadband service to customers, particularly schools, which cannot absorb the added costs. Moreover, without a fee waiver, OnSat might have to file each remote in a separate application, subjecting each to delays in processing and creating an intolerable uncertainty for a service that needs to deliver interactive capabilities on time to thousands of people.⁴

³ Fees are generally designed to reflect administrative burdens. See *In the Matter of Establishment of a Fee Collection Program*, Gen. Docket No. 86-285, Report & Order, 2 FCC Rcd 947, 948 (1987).

⁴ OnSat currently operates 12 bi-directional C-Band earth stations at Wyoming schools – stations that took more than seven months and cost more than \$23,000 (not including consultant and lawyer fees) to receive authorization.

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OnSat has tried to coordinate closely with the International Bureau in presenting its petition, working through technical issues to satisfy terrestrial users, and arriving at a reasonable interim solution. It very much appreciates the energy and creativity that the Bureau staff has shown in seeking to help OnSat and other like applicants speed their services to the public. As the Commission recognizes, many of the differences in licensing procedures for satellite networks based on frequencies or dish size are no longer valid. As the Commission also recognizes, it can help to increase the availability of affordable and reliable broadband service to places that will never be served by high-capacity landlines if it removes unnecessary regulatory barriers like filing fees, paperwork, and lengthy processing periods that stand in the way of innovative technologies.⁵ The Commission is working on rule changes that would rationalize its licensing procedures and remove some of these barriers.⁶ In the interim, the International Bureau and the Office of Managing Director, in consultation with the Office of General Counsel, can provide appropriate relief to give C-Band bi-directional satellite networks a chance of success within the structure of the existing rules and the existing fee categories.

The fee waiver requested herein would serve the public interest. OnSat is not asking for a new category of filing fees. In fact, there already is a fee category for OnSat's service -- the VSAT system fee category. The only reason that OnSat cannot avail itself of this category today is because of an archaism in the FCC orders (which was not codified in the rules) establishing the VSAT service. The Commission is now considering how to modernize its VSAT rules. In the mean time, OnSat urges the Managing Director to fulfill its public interest mandate under Section 1.1117(a) to waive an application fee so as to allow C-Band service providers to conduct a commercial roll-out of identical remote stations that provide sorely needed broadband services to rural populations.⁷ At stake is more than a reduction in costs for service providers, although

⁵ See, e.g., *Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz Frequency Bands for Broadcast Satellite Service Use*, Report and Order, FCC 00-212 (rel. June 22, 2000); *Commission Launches Earth Station Streamlining Initiative*, Public Notice, DA 99-1259 (rel. June 25, 1999).

⁶ In its Second Report on the Deployment of Advanced Telecommunications Capability released this week, the Commission, citing to OnSat's petition, committed to "review existing regulations and licensing policies for satellite and wireless systems that share spectrum bands to ensure that spectrum can be made available to all parties in an efficient and effective manner." *In re Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, CC Docket No. 98-146 (rel. August 21, 2000) at ¶ 167.

⁷ The Commission has repeatedly affirmed its interest in encouraging commercial entities to provide affordable broadband service to rural areas and Tribal lands -- the home of many prospective OnSat (continued...)

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the reduction in application fees could be very significant (700 remotes could cost over \$1.3 million in application fees) and important for a system that seeks to serve primarily schools, community centers, and small commercial enterprises. A fee waiver would also enable the International Bureau to process the remote site applications as modifications to the lead application which would make the approval process faster and more efficient for the Commission as well as for OnSat and the public. Because many of OnSat's customers are and will be schools, it is important that OnSat be able to deliver service to an entire district with multiple remotes all at once by September, not station by station as the applications are processed.

Thank you very much for your attention. Please direct any questions to the undersigned.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ellen P. Goodman", with a long horizontal flourish extending to the right.

Ellen P. Goodman

Attorney for OnSat

cc.

Paul Cascio
Rosalee Chiara
Andrew Fishel
Rene Licht
Jacqueline Ponti
Mark Reger
Ron Repasi
Tom Tycz
Mark Young

customers. In its recent Report and Order on providing wireless services to Tribal lands, the Commission concluded "that existing satellite services may offer a means of providing service to tribal lands. Such services could not only be used for telecommunications services but could also provide a platform for telemedicine and other services to remote areas." *In re Extending Wireless Telecommunications Services to Tribal Lands*, WT Docket No. 99-266 (rel. June 30, 2000) at ¶51. In addition, there are half a dozen bills pending in Congress that would, through tax credits, grants, or changes to telecommunications policy, encourage rural broadband service.



Federal Communications Commission

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM

FCC Use Only

FCC 312 MAIN FORM FOR OFFICIAL USE ONLY

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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu: Second amendment to SES-LIC-20000801-01226

1-8. Legal Name of Applicant

Name: OnSat Network Communications, Inc. Phone Number: (435) 655-3679

DBA Name: Fax Number: (435) 655-7676

Street: P.O. Box 800 E-Mail:

136 Heber Avenue, Suite 204

City: Park City State: UT

Country: USA Zipcode: 84098-

Attention: Kuen Damiano

9-16. Name of Contact Representative (If other than applicant)

Name: Ellen Goodman Phone Number: (202) 662-5179

Company: Covington & Burling Fax Number: (202) 662-6291

Street: 1201 Pennsylvania Avenue, N.W. E-Mail: egoodman@cov.com

City: Washington State: DC

Country: USA Zipcode: 20004-2401

Contact Title: Relationship: Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

a.

☒ a1. Earth Station

(N/A) b1. Application for License of New Station

(N/A) b2. Application for Registration of New Domestic Receive-Only Station

☒ b3. Amendment to a Pending Application

☒ b4. Modification of License or Registration

(N/A) b5. Assignment of License or Registration

(N/A) b6. Transfer of Control of License or Registration

(N/A) b7. Notification of Minor Modification

<input checked="" type="radio"/> a2. Space Station	(N/A) b7. Notification of Minor Modification (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite (N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States (N/A) b10. Other (Please specify)
17c. Fee Classification CGX	
18. If this filing is in reference to an existing station, enter: (a) Call sign of station: E000369	19. If this filing is an amendment to a pending application enter both fields, if this filing is a modification please enter only the file number: (a) Date pending application was filed: 7/25/2000 (b) File number: SESLIC2000080101226

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:	
<input checked="" type="checkbox"/> a. Fixed Satellite <input type="checkbox"/> b. Mobile Satellite <input type="checkbox"/> c. Radiodetermination Satellite <input type="checkbox"/> d. Earth Exploration Satellite <input type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify)	
21. STATUS: Choose the button next to the applicable status. Choose only one. <input checked="" type="radio"/> Common Carrier <input type="radio"/> Non-Common Carrier	22. If earth station applicant, check all that apply. <input checked="" type="checkbox"/> Using U.S. licensed satellites <input type="checkbox"/> Using Non-U.S. licensed satellites
23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities: <input checked="" type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input type="radio"/> N/A	
24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s). <input checked="" type="checkbox"/> a. C-Band (4/6 GHz) <input type="checkbox"/> b. Ku-Band (12/14 GHz) <input type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) Frequency Lower: 4000 Frequency Upper: 6000	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.
<input type="radio"/> a. Fixed Earth Station <input type="radio"/> b. Temporary-Fixed Earth Station <input type="radio"/> c. 12/14 GHz VSAT Network <input type="radio"/> d. Mobile Earth Station <input type="radio"/> e. Geostationary Space Station <input type="radio"/> f. Non-Geostationary Space Station <input checked="" type="radio"/> g. Other (please specify) 4/6 GHz VSAT
26. TYPE OF EARTH STATION FACILITY: <input checked="" type="radio"/> Transmit/Receive <input type="radio"/> Transmit-Only <input type="radio"/> Receive-Only <input type="radio"/> N/A

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.)

- ☐ a -- authorization to add new emission designator and related service
- ☐ b -- authorization to change emission designator and related service
- ☐ c -- authorization to increase EIRP and EIRP density
- ☐ d -- authorization to replace antenna
- ☐ e -- authorization to add antenna
- ☐ f -- authorization to relocate fixed station
- ☐ g -- authorization to change assigned frequency(ies)
- ☐ h -- authorization to add Points of Communication (satellites & countries)
- ☐ i -- authorization to change Points of Communication (satellites & countries)
- ☐ j -- authorization for facilities for which environmental assessment and radiation hazard reporting is required
- ☐ k -- Other (Please specify)

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.

☐ Yes ☒ No

Attachment

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
30. Is the applicant an alien or the representative of an alien?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
32. Is the applicant a corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.	<u>Attachment</u>

BASIC QUALIFICATIONS

<p>35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">Attachment</div>
<p>36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">Attachment</div>
<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">Attachment</div>
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">Attachment</div>
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">Attachment</div>
<p>40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.</p>	<div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">Attachment</div>
<p>41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. <i>See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.</i></p>	
<p>42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">Attachment</div>
<p>42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?</p>	
<p>43. Description. (Summarize the nature of the application and the services to be provided). The purpose of this amendment is to provide the International Bureau with further information concerning the network in which this station will operate. See Attachment A.</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 10px;"> Attach A </div>	

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- ☐ Individual
- ☐ Unincorporated Association
- ☐ Partnership
- ☒ Corporation
- ☐ Governmental Entity
- ☐ Other (please specify)

45. Name of Person Signing
David Stephens

46. Title of Person Signing
President and CEO

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT

(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

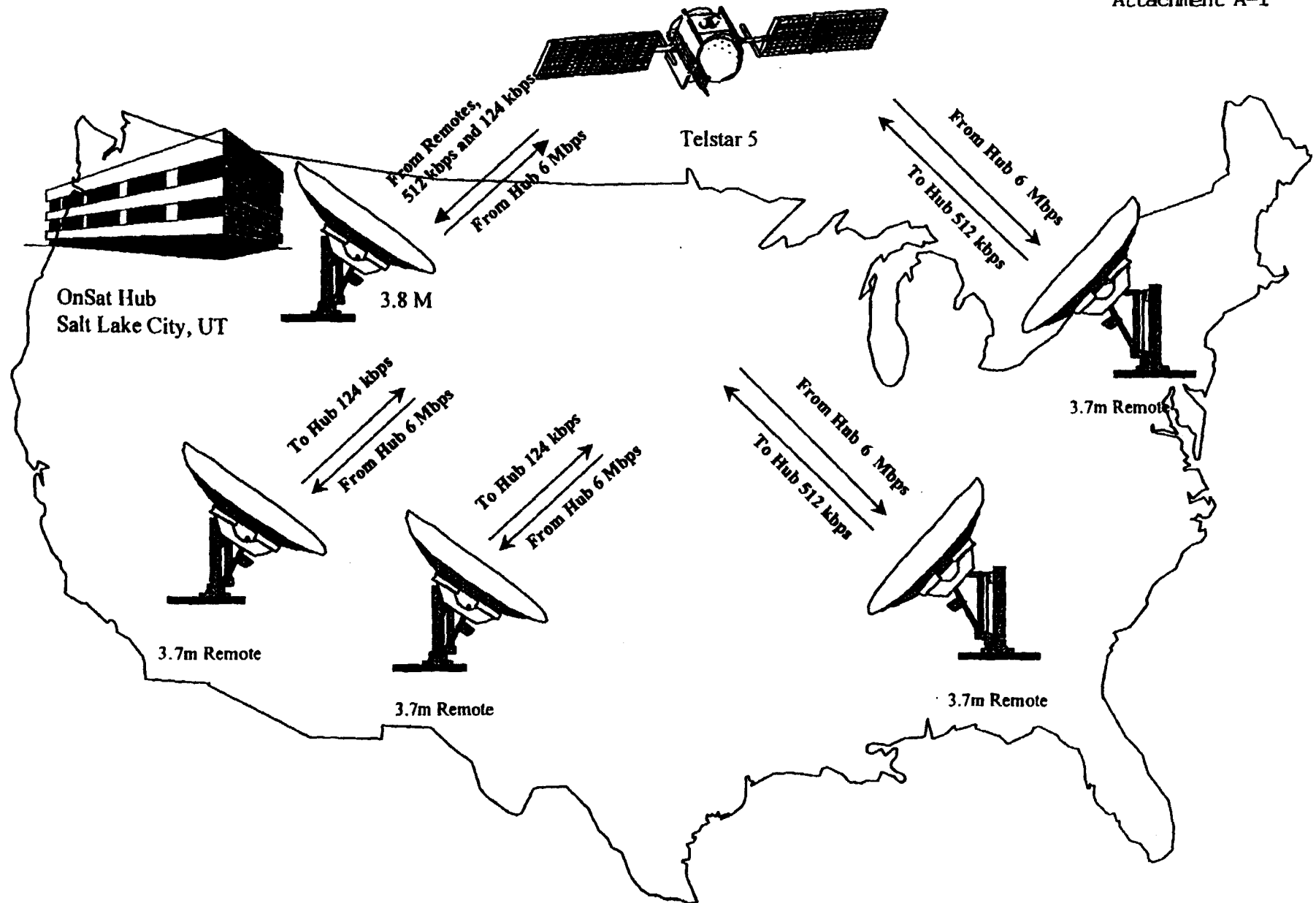
Form 312 Schedule B

Menu

OnSat Network Communications, Inc.
Second Amendment to Application
File No. SES-LIC-20000801-01226, Call Sign E000369

Attachment A

International Bureau staff has requested more information on the structure and nature of OnSat's planned bi-directional C-Band satellite network. OnSat's network uses a star network, hub and spoke architecture, as set forth in the attached diagram (Attachment A-1). The hub is licensed to Bonneville Holding Company and is located at 5 Triad Center, Salt Lake City, UT (call sign E870502) (authorization at Attachment A-2). OnSat currently hopes to deploy approximately 700 bi-directional C-Band earth station remotes in areas under the Commission's jurisdiction over the next five years, although this number depends on the success of OnSat's business plans and its ability to obtain fast and cost-effective application processing. The rate of deployment will be approximately 150 remotes a year. All of the bi-directional C-Band earth station remotes in the continental U.S., or about 90% of the 700 stations, will use 3.7 meter antennae. The remainder, which will be located outside of the continental U.S. will use 4.5 meter antennae.



Attachment A-1: OnSat Network Communications C Band Star Network



UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
RADIO STATION AUTHORIZATION

Name: BONNEVILLE HOLDING COMPANY
 Authorization Type: Modification of License

Call Sign: E870502
 File Number: SES-MOD-19980604-00677

Non Common Carrier Grant Date: 07/31/1998 Expiration Date: 02/27/2007

Nature of Service: Domestic Fixed Satellite Service

Class of Station: Fixed Earth Stations

A) Site Location(s)

#	Site ID	Address	Latitude	Longitude	NAD	Special Provisions (Refer to Section G)
1)	5 TRIAD CENTER SALT LAKE CITY, SALT LAKE, UT		40°46'12"N	111°54'3"W		

Subject to the provisions of the Communications Act of 1934, The Communications Satellite Act of 1962, subsequent acts and treaties, and all present and future regulations made by this Commission, and further subject to the conditions and requirements set forth in this license, the grantee is authorized to construct, use and operate the radio facilities described below for radio communications for the term beginning February 27, 1997 (3 AM Eastern Standard Time) and ending February 27, 2007 (3 AM Eastern Standard Time). The required date of completion of construction and commencement of operation is July 31, 1999 (3 AM Eastern Standard Time). Grantee must file with the Commission a certification upon completion of construction and commencement of operation.

B) Particulars of Operations

#	Frequency (MHz)	Polarization	Emission	Max EIRP /Carrier (dBW)	Max EIRP Density /Carrier (dBW/4kHz)	Associated Antenna	Special Provisions (Refer to Section G)	Modulation/ Services
1)	5925.0000-5928.4900	H,V	1M84G2W	52.50	25.80	1	1900	
2)	6169.7500-6239.5400	H,V	1M84G2W	52.50	25.80	1	1900	
3)	6367.0000-6425.0000	H,V	1M84G2W	52.50	25.80	1	1900	
4)	5925.0000-5928.4900	H,V	3M69G2W	61.30	31.60	1	1900	
5)	6169.7500-6239.5400	H,V	3M69G2W	61.30	31.60	1	1900	
6)	6367.0000-6425.0000	H,V	3M69G2W	61.30	31.60	1	1900	
7)	3700.0000-4200.0000	H,V		0.00	0.00	1	1010	

C) Frequency Coordination Limits

#	Frequency Limits (MHz)	Satellite Arc (Deg. Long.)		Elevation (Degrees)		Azimuth (Degrees)		Max EIRP Density toward Horizon (dBW/4kHz)	Associated Antenna(s)
		East Limit	West Limit	East Limit	West Limit	East Limit	West Limit		
1)	5925.0000-5928.4900	65E-143W		23.2-33.2		121.4-222.7		-17.69	1
2)	6167.7500-6239.5400	65E-143W		23.2-33.2		121.4-222.7		-17.7	1
3)	6367.0000-6425.0000	65E-143W		23.2-33.2		121.4-222.7		-17.7	1



UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
RADIO STATION AUTHORIZATION

Name: BONNEVILLE HOLDING COMPANY

Call Sign: E870502

Authorization Type: Modification of License

File Number: SES-MOD-19980604-00677

Non Common Carrier

Grant Date: 07/31/1998

Expiration Date: 02/27/2007

D) Points of Communications

The following stations located in the Satellite orbits consistent with Sections B and C of this License:

- 1) 1 to All authorized U.S. Domestic (ALSAT) Satellites.

E) Antenna Facilities

Site/Elevation: 1296.9 (Meters) AMSL

The antenna sidelobe pattern (s) meet (s) the requirement of Section 25.209 of FCC Rules and Regulations as amended for 2 degree spacing.

Site ID	Antenna ID	Units	Diameter (meters)	Manufacturer	Model number	Special Provisions (Refer to Section C)	Max Antenna Height (Meters)
1	1	1	4.1	COMTECH	OFFSAT		14.3 AGL/ 1311.2 AMSL
Max Gains(s): 45.9000 dBi @ 6.0000 GHz							
Maximum total input power at antenna flange (Watts) =					125.00		
Maximum aggregate output EIRP for all carriers (dBW) =					66.86		

F) Remote Control Point:

1

Call Sign: E870502

G) Antenna Structure marking and lighting requirements:

None unless otherwise specified under Special and General Provisions

H) Special and General Provisions

- A) This RADIO STATION AUTHORIZATION is granted subject to the following special provisions and general conditions:

2035 --- This station may be used for the provision of common carrier services.

2061 --- The use of these small diameter earth station facilities is authorized pursuant to the Commission's decisions in American Broadcasting Companies 62 FCC 2d 901 (1976) and Routine Licensing of Earth Stations in the 6 GHz Band Using Antennas Less than 9 meters in Diameter for Narrowband Transmission (Mimeo 7237) released September 25, 1985.

2073 --- Authorization to routine licensing of Comtech Antenna Systems rectangular antenna with an effective area of 4.1 meters in D.O. for 6 GHz (Mimeo 7237) released September 25, 1985. See also petition for Modification of declaratory order released June 16, 1986 which routinely authorizes all Comtech antennas having a surface area less than that of 4.5 meter circular antennas.



UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
RADIO STATION AUTHORIZATION

Name: BONNEVILLE HOLDING COMPANY

Call Sign: E870502

Authorization Type: Modification of License

File Number: SES-MOD-19980604-00677

Non Common Carrier

Grant Date: 07/31/1998

Expiration Date: 02/27/2007

H) Special and General Provisions

A) This RADIO STATION AUTHORIZATION is granted subject to the following special provisions and general conditions:

- 2300 --- Authority is granted to operate this station by remote control provided that: (1) The parameters of the transmissions of this station monitored at the remote control point, and the operational functions sufficient to insure that the operations of this station are in full compliance with the station authorization at all times; (2) upon detection by the grantee, or upon notification from the Commission, of a deviation of the operation of this station shall be immediately suspended until the deviation is corrected, except the transmissions concerning the immediate safety of life or property may be conducted for the duration of such emergency; and (3) the grantee shall have available, at all times, the technical personnel necessary to perform the technical servicing and maintenance of this station expeditiously.
- 2482 --- The major axis of non-circular transmitting antennas (all elliptical and rectangular aperture antennas are non-circular) must be aligned parallel to the plane of the geostationary arc. All transmitting antennas must comply with the antenna sidelobe performance standards of Section 25.209.
- 2500 --- With respect to potential co-channel interference to or from terrestrial microwave radio stations: receive frequency band(s) listed in Section B of this authorization have been cleared for transmissions from and transmit frequency band(s) listed in Section B have been cleared for transmission to satellites located in the portion of the geostationary satellite orbit specified in Section D for the emissions designated in Section B.
- 2810 --- The grantee shall maintain on file with the Commission's current list or plan of the precise frequencies in actual use at this station, specifying for each such frequency: the r.f. center frequency, polarization, emission designator, EIRP (dBW), EIRP density (dBW/4kHz), and receiving earth station(s). This list or plan may be submitted either on a station-by-station basis or on a system-wide basis, and shall be updated within seven days of any changes in frequency usage at this station. Temporary usage of frequencies for periods of less than seven days need not be notified to the Commission if accurate station records are maintained of the times and particulars of such temporary frequency usage.
- 2916 --- The transmitter(s) must be turned off during antenna maintenance so that the FCC-specified safety guidelines for human exposure to radio frequency radiation are complied within the region between the feed and the reflector. Appropriate measures must also be taken to restrict access to other regions in which the earth station's power flux density levels exceed the specified guidelines.
- 2938 --- Upon completion of construction, each licensee must file with the Commission a certification including the following information: name of the licensee, file number of the application, call sign of the antenna, date of the license and certification of the license.
- 5216 --- All operations shall be on a non-common carrier basis.

B) This RADIO STATION AUTHORIZATION is granted subject to the additional conditions specified below:

This authorization is issued on the grantee's representation that the statements contained in the application are true and that the undertakings described will be carried out in good faith.

This authorization shall not be construed in any manner as a finding by the Commission on the question of marking or lighting of the antenna system should future conditions require. The grantee expressly agrees to install such marking or lighting as the Commission may require under the provisions of Section 303(q) of the Communications Act, 47 U.S.C. § 303(q).



UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
RADIO STATION AUTHORIZATION

Name: BONNEVILLE HOLDING COMPANY
Authorization Type: Modification of License

Call Sign: E870502
File Number: SES-MOD-19980604-00677

Non Common Carrier

Grant Date: 07/31/1998

Expiration Date: 02/27/2007

Neither this authorization nor the right granted by this authorization shall be assigned or otherwise transferred to any person, firm, company or corporation without the written consent of the Commission. This authorization is subject to the right of use or control by the government of the United States conferred by Section 706 of the Communications Act, 47 U.S.C. § 706. Operation of this station is governed by Part 25 of the Commission's Rules, 47 C.F.R. Part 25.

This authorization shall not vest in the licensee any right to operate this station nor any right in the use of the designated frequencies beyond the term of this license, nor in any other manner than authorized herein.

This authorization is issued on the grantee's representation that the station is in compliance with environmental requirements set forth in Section 1.1307 of the Commission's Rules, 47 C.F.R. § 1.1307.

This authorization is issued on the grantee's representation that the station is in compliance with the Federal Aviation Administration (FAA) requirements as set forth in Section 17.4 of the Commission's Rules, 47 C.F.R. § 17.4.

The following condition applies when this authorization permits construction of or modifies the construction permit of a radio station.

This authorization shall be automatically forfeited if the station is not ready for operation by the required date of completion of construction unless an application for modification of construction permit for additional time to complete construction is filed by that date, together with a showing that failure to complete construction by the required date was due to factors not under control of the grantee.

Exhibit B



EXHIBIT B

OnSat is providing high speed broadband network to
San Ramon, Honduras
Solar Net Village



Federal Communications Commission

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD FCC Use Only OR AMD - MAIN FORM

FCC 312 MAIN FORM FOR OFFICIAL USE ONLY

[Click here for [INSTRUCTIONS](#).]

Menu

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu: Amendment to
SES-LIC-20000801-01226

1-8. Legal Name of Applicant

Name: Onsat Communications, Inc. Phone Number: (435)655-3679

DBA Name: Fax Number: (435)655-7676

Street: P.O. Box 8000 E-Mail:

136 Heber Avenue, Suite 204

City: Park City State: UT

Country: USA Zipcode: 84089-

Attention: David Molinero

9-16. Name of Contact Representative (If other than applicant)

Name: Ellen Goodman Phone Number: (202)662-6000

Company: Covington & Burling Fax Number: (202)662-6291

Street: 1201 Pennsylvania Avenue, N.W. E-Mail: egoodman@cov.com

City: Washington State: DC

Country: USA Zipcode: 20004-2401

Contact Title: Relationship: Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.	
a. <input checked="" type="radio"/> a1. Earth Station <input type="radio"/> a2. Space Station	(N/A) b1. Application for License of New Station (N/A) b2. Application for Registration of New Domestic Receive-Only Station <input checked="" type="radio"/> b3. Amendment to a Pending Application <input type="radio"/> b4. Modification of License or Registration (N/A) b5. Assignment of License or Registration (N/A) b6. Transfer of Control of License or Registration (N/A) b7. Notification of Minor Modification (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite (N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States (N/A) b10. Other (Please specify)
17c. Fee Classification CGX	
18. If this filing is in reference to an existing station, enter: (a) Call sign of station: E000369	19. If this filing is an amendment to a pending application enter both fields, if this filing is a modification please enter only the file number: (a) Date pending application was filed: 7/25/2000 (b) File number: SESLIC2000080101226

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:	
<input checked="" type="checkbox"/> a. Fixed Satellite <input type="checkbox"/> b. Mobile Satellite <input type="checkbox"/> c. Radiodetermination Satellite <input type="checkbox"/> d. Earth Exploration Satellite <input type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify)	
21. STATUS: Choose the button next to the applicable status. Choose only one. <input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier	22. If earth station applicant, check all that apply. <input checked="" type="checkbox"/> Using U.S. licensed satellites <input type="checkbox"/> Using Non-U.S. licensed satellites
23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities: <input type="radio"/> Connected to a Public Switched Network <input checked="" type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A	
24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s). <input checked="" type="checkbox"/> a. C-Band (4/6 GHz) <input type="checkbox"/> b. Ku-Band (12/14 GHz) <input type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) Frequency Lower: 4000 Frequency Upper: 6000	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- ☐ a. Fixed Earth Station
- ☐ b. Temporary-Fixed Earth Station
- ☐ c. 12/14 GHz VSAT Network
- ☐ d. Mobile Earth Station
- ☐ e. Geostationary Space Station
- ☐ f. Non-Geostationary Space Station
- ☒ g. Other (please specify) 4/6 GHz VSAT

26. TYPE OF EARTH STATION FACILITY:

- ☒ Transmit/Receive ☐ Transmit-Only ☐ Receive-Only ☐ N/A

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.)

- ☐ a -- authorization to add new emission designator and related service
- ☐ b -- authorization to change emission designator and related service
- ☐ c -- authorization to increase EIRP and EIRP density
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- ☐ i -- authorization to change Points of Communication (satellites & countries)
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- ☐ k -- Other (Please specify)

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☐ Yes ☒ No

Attachment

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30. Is the applicant an alien or the representative of an alien?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
32. Is the applicant a corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.	<div>Attachment</div>

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.	<input checked="" type="radio"/> Yes <input type="radio"/> No <div>Attach. A</div>
36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.	<input type="radio"/> Yes <input checked="" type="radio"/> No <div>Attachment</div>
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39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.	<input type="radio"/> Yes <input checked="" type="radio"/> No <div>Attachment</div>
40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.	<div>Attachment</div>
41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.	<input checked="" type="radio"/> Yes <input type="radio"/> No
42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R.	<input checked="" type="radio"/> Yes <input type="radio"/> No

25.137, as appropriate. If No, proceed to question 43.

Attachment

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?

43. Description. (Summarize the nature of the application and the services to be provided).

This amendment changes the response to Question 35 to 'Yes.' Also attached in response to Question 35 is an exhibit explaining OnSat's waiver request. No other changes to File No. SES-LIC-20000801-01226 are proposed.

Attachment

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- ☐ Individual
- ☐ Unincorporated Association
- ☐ Partnership
- ☒ Corporation
- ☐ Governmental Entity
- ☐ Other (please specify)

45. Name of Person Signing
David Stephens

46. Title of Person Signing
President and CEO

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT

(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

Form 312 Schedule B

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ATTACHMENT A

OnSat Network Communications Petition For Waiver

OnSat Network Communications seeks a waiver of 47 C.F.R. § 25.209 for this lead streamlined C-Band earth station application, and for follow-on applications, so that it may operate 3.7 meter dishes at C-Band. As noted in OnSat's Petition For Declaratory Order and Waiver And Request For Expedited Action (SAT-PDR-19990910-10091; filed Sept. 10, 1999), 3.7 meter C-Band dishes are functionally equivalent or superior to Ku-Band dishes operating under VSAT licenses in terms of their interference potential. To the extent that the Commission is concerned that a 3.7 meter dish at C-Band is not in exact accordance with Section 25.209 (it differs at +/-1.0 degrees from the maximum gain (boresight)), we show in Attachment 2 to Schedule B (which is already on file with the original application, File No. SES-LIC-20000801-01226, which is hereby amended) that the potential for interference from the 3.7 meter antenna is far less than that from a 4.5 meter antenna meeting the power flux density requirement of Section 25.212(d). In addition, we provide on the next page a certification from our satellite vendor Loral, that there are no U.S. domestic satellites spaced +/- 1 degree apart, and that the power flux density from our earth stations will be as indicated in our application. (This certification is already on file as Exhibit 2 to Attachment D of OnSat's above-cited petition).

WEINHOUSE ASSOCIATES

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05/01/99

16:53

LORALSKYNET + 918100049023

NO. 564

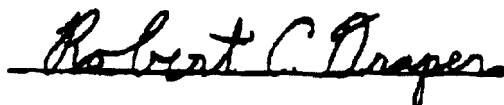
P. 02
002**Engineering Certification of Loral Skynet®¹****September 1, 1999**

**Federal Communications Commission - International Bureau
445 12th Street, S.W.
Washington, DC 20554**

To Whom It May Concern:

The undersigned of Loral Skynet certifies that, to the best of his knowledge, no U.S. domestic satellite is in orbit at less than two degrees from the Telstar 5 satellite, which is authorized to operate and is currently operating at 97 degrees WL in the geostationary earth orbit.

The undersigned further certifies that Loral Skynet is aware that Onsat Network Communications, Inc. is planning to communicate with the Telstar 5 satellite by means of earth stations using a 3.7 meter diameter C-band antenna (Prodelin model # 1374-370), and that the antenna will be operating at a maximum EIRP density of 27.5 dBW/4 kHz, which is equal to a maximum power density at the antenna input port of -17.6 dBW/4 kHz.

Sincerely,

**Robert C. Draper - Principal Engineer
Satellite Services Engineering
Loral Skynet**

¹ Skynet is a registered trademark of Loral SpaceCom Corporation.



APPLICATION FOR EARTH STATION AUTHORIZATIONS
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY

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FCC Use Only

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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu: Red Mesa Application

1-8. Legal Name of Applicant

Name: Onsat Communications, Inc. Phone Number: (435)655-3679
 DBA Name: Fax Number: (435)655-7676
 Street: P.O. Box 8000 E-Mail:
 136 Heber Avenue, Suite 204
 City: Park City State: UT
 Country: USA Zipcode: 84098-
 Attention: David Molinero

9-16. Name of Contact Representative (If other than applicant)

Name: Ellen Goodman Phone Number: (202)662-6000
 Company: Covington & Burling Fax Number: (202)662-6291
 Street: 1201 Pennsylvania Avenue, N.W. E-Mail: egoodman@cov.com
 City: Washington State: DC
 Country: USA Zipcode: 20004-2401
 Contact Title: Relationship: Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a. ☒ a1. Earth Station
 b. (N/A) Space Station

- b.
☒ b1. Application for License of New Station
☐ b2. Application for Registration of New Domestic Receive-Only Station
 (N/A) b3. Amendment to a Pending Application
 (N/A) b4. Modification of License or Registration
 (N/A) b5. Assignment of License or Registration
 (N/A) b6. Transfer of Control of License or Registration
 (N/A) b7. Notification of Minor Modification
 (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
 (N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service

		in the United States (N/A) b10. Other (Please specify)
17c. Fee Classification BAX		
18. If this filing is in reference to an existing station, enter: (a) Call sign of station: Not Applicable	19. If this filing is an amendment to a pending application enter: (a) Date pending application was filed: (b) File number of pending application: Not Applicable Not Applicable	

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:	
<input checked="" type="checkbox"/> a. Fixed Satellite <input type="checkbox"/> b. Mobile Satellite <input type="checkbox"/> c. Radiodetermination Satellite <input type="checkbox"/> d. Earth Exploration Satellite <input type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify)	
21. STATUS: Choose the button next to the applicable status. Choose only one. <input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier	22. If earth station applicant, check all that apply. <input checked="" type="checkbox"/> Using U.S. licensed satellites <input type="checkbox"/> Using Non-U.S. licensed satellites
23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities: <input type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A	
24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s). <input checked="" type="checkbox"/> a. C-Band (4/6 GHz) <input type="checkbox"/> b. Ku-Band (12/14 GHz) <input type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) Frequency Lower: 4000 Frequency Upper: 6000	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.
<input type="radio"/> a. Fixed Earth Station <input type="radio"/> b. Temporary-Fixed Earth Station <input type="radio"/> c. 12/14 GHz VSAT Network <input type="radio"/> d. Mobile Earth Station (N/A) e. Geostationary Space Station (N/A) f. Non-Geostationary Space Station <input checked="" type="radio"/> g. Other (please specify) 4/6 GHz VSAT
26. TYPE OF EARTH STATION FACILITY: Choose only one. <input checked="" type="radio"/> Transmit/Receive <input type="radio"/> Transmit-Only <input type="radio"/> Receive-Only <input type="radio"/> N/A

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.)

Not Applicable

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. ☐ Yes ☒ No Exhibit 1

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government? ☐ Yes ☒ No ☐ N/A

30. Is the applicant an alien or the representative of an alien? ☐ Yes ☒ No ☐ N/A

31. Is the applicant a corporation organized under the laws of any foreign government? ☐ Yes ☒ No ☐ N/A

32. Is the applicant a corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? ☐ Yes ☒ No ☐ N/A

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? ☐ Yes ☒ No ☐ N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote. Attachment

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? ☐ Yes ☒ No

If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents. Attachment

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances. ☐ Yes ☒ No Attachment

37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? ☐ Yes ☒ No

indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.	<input type="checkbox"/> Attachment
38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="checkbox"/> Attachment
39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="checkbox"/> Attachment
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42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="checkbox"/> Attachment
42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?	
43. Description. (Summarize the nature of the application and the services to be provided). The proposed earth station, as part of a network, will provide high speed Internet access to rural schools, ISPs, and others. These areas do not currently have affordable Internet access. As a result, an under-served segment of the public will benefit from a timely grant of the license. The nature of the application is further described in Onsat's Petition for Declaratory Order and Petition for Waiver on file with the Commission.	
<input type="checkbox"/> Attachment	

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

☒ Individual

<input type="radio"/> Unincorporated Association <input type="radio"/> Partnership <input checked="" type="radio"/> Corporation <input type="radio"/> Governmental Entity <input type="radio"/> Other (please specify)	
45. Name of Person Signing David Stephens	46. Title of Person Signing President and CEO
<p align="center"> WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503). </p>	

Form 312 Schedule B

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